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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOAQUIN DIAZ,
12 Petitioner,
13 v.
14 MARTIN GAMBOA,
15 Respondent.
16

Case No. 1:25-cv-00196-CDB (HC)

ORDER TRANSFERRING CASE TO
THE WESTERN DIVISION OF THE
CENTRAL DISTRICT OF CALIFORNIA

(Doc. 1)

17 Petitioner Joaquin Diaz (“Petitioner”) is a state prisoner proceeding pro se with a petition
18 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). Petitioner challenges his June
19 22, 2017, conviction entered by the Superior Court of Los Angeles County. (*Id.* at 30). Los
20 Angeles County is located within the jurisdiction and venue of the Western Division of the
21 Central District of California.

22 When a habeas petition is filed by a person in custody under a state court judgment, and
23 that state contains two or more federal judicial districts—such as California—the petition may be
24 filed in either the judicial district in which the petitioner is presently confined, or the judicial
25 district in which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d). When a habeas
26 petition challenges the petitioner’s conviction or sentence, e.g., a habeas petition brought pursuant
27 to 28 U.S.C. § 2254, the district where the petitioner was convicted and sentenced is a more
28 convenient forum because trial court records, witnesses, and other evidence related to the crime

1 and his conviction are usually located in that district. *See Braden v. 30th Judicial Cir. Ct. of Ky.*,
2 410 U.S. 484, 4998 & n.15 (1973). Thus, California courts generally transfer habeas actions
3 challenging state convictions or sentences to the district where the petitioner was convicted and
4 sentenced. *See, e.g., Tate v. Unknown*, No. 24-cv-756 JLS (LR), 2024 WL 2880583, at *1 (S.D.
5 Cal. May 7, 2024) (citing *Braden*); *Gakuba v. Cal. Attorney Gen.*, No. 22-cv-07698 NC (PR),
6 2022 WL 17813143 at *1 (N.D. Cal. Dec. 16, 2022); *Dannenberg v. Ingle*, 831 F. Supp. 767, 767
7 (N.D. Cal. 1993).

8 Here, because Petitioner is challenging his 2017 conviction obtained in Los Angeles
9 County, the better forum for his claims is the division of the district court where he was
10 convicted. Thus, the Court finds in its discretion “and in furtherance of justice” the petition
11 should be transferred to the Western Division of the Central District of California. 28 USC §§
12 1404(a), 2241(d).

13 **Conclusion and Order**

14 Accordingly, it is HEREBY ORDERED:

- 15 1. The Clerk of the Court shall transfer this action to the United States District Court for
16 the Central District of California, Western Division; and
17 2. All future filings shall reference the new case number assigned and shall be filed at:

18 United States District Court
19 Central District of California
20 Western Division
350 West 1st Street STE 4311
Los Angeles, CA 90012

21 IT IS SO ORDERED.

22 Dated: **February 18, 2025**

23 
UNITED STATES MAGISTRATE JUDGE